

FILED

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2012 AUG 13 PM 2:14  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

4  
5 Attorney for Plaintiffs,  
LEON HOLIDAY and HAILA SIMMONS

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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 LEON HOLIDAY and HAILA SIMMONS,

CASE NO.

CV12-6969-SJO

(VBA)

11 Plaintiffs,

12 vs.  
13 RANDY HAUMANN, RYAN SMITH,  
14 PAUL SPENCER, DAVID KEATHLEY,  
15 CITY OF SANTA PAULA, and DOES 1-  
10 , inclusive,

16 Defendants.

17  
18 1. This is a civil litigation action seeking damages against defendants for committing  
19 acts under color of law, and depriving plaintiffs of rights and secured by the Constitution  
20 and laws of the United States. Defendants, while acting in their capacity as policemen in  
21 the City of Santa Paula, County of Ventura, State of California deprived plaintiffs of their  
22 property without due process of law, made an unreasonable seizure of the property of  
23 plaintiffs and deprived plaintiffs of their property without due process of law, thereby  
24 depriving plaintiffs of their rights, privileges and immunities as guaranteed by the Fourth,  
25 Fifth, and Fourteenth Amendments to the Constitution of the United States. The Court has  
26 jurisdiction of this action under 42 U.S.C. Section 1983 and under 28 U.S.C. Section 1343.  
27  
28 2. The jurisdiction of this Court is further invoked pursuant to 28 U.S.C. Section

FILE BY FAX

1 || 1331.

2       3. Plaintiff Leon Holiday is a citizen and resident of the City of Santa Paula, County  
3       of Ventura, state of California and a citizen of the United States. He is of Africa-American  
4       descent. Plaintiff Haila Simmons is a citizen and resident of the City of Santa Paula,  
5       County of Ventura, state of California and a citizen of the United States.

6 Both Plaintiffs reside together at and are purchasing the residence located at 933  
7 E. Santa Paula Street, Santa Paula, California.

8 Plaintiffs timely filed a claim for damages on February 16, 2011. Said claim was  
9 rejected on April 13, 2011.

10       4. Defendants Officers Haumann, Sergeant Smith, Senior Officer Spencer and  
11      Officer Keathley, were, at all times duly appointed police officers of the City of Santa Paula  
12      and assigned to the Santa Paula Police Department. At all times material to this complaint,  
13      these defendants acted toward plaintiffs under color of statutes, ordinances, custom and  
14      usage of the State of California, City of Santa Paula, and the Santa Paula Police  
15      Department.

16       5. Defendants Does 1-10 , inclusive, and others not presently known to the plaintiffs  
17 were at all times material to this complaint duly appointed police officers of the City of  
18 Santa Paula. At all times material to this complaint, these defendants acted toward  
19 plaintiffs under color of the statutes, ordinances, customs and usage of the State of  
20 California, City of Santa Paula and the Santa Paula Police Department. Plaintiffs sue all  
21 defendants in their individual capacity.

## COUNT 1

23 6. Plaintiffs allege and reallege Paragraphs 1 through 6 as paragraphs 1-6 of this  
24 Count with the same force and effect as if fully set forth herein.

25        7. On the afternoon of August 16, 2011 at approximately 2:20 p.m. Santa Paula  
26 Police Officer Haumann was attempting to serve an arrest warrant on an Anthony Holliday  
27 who is of African-American descent at 933 Santa Paula Street, city of Santa Paula,

1 California because he believed Anthony Holliday resided at said residence. Anthony  
2 Holliday did not reside at said residence. He heard a noise which he believed to be a door  
3 closing.

4       8. Officer Haumann notified Santa Paula Police dispatch of the situation and began  
5 coordinating responding units to set a perimeter around the home. He responded to the  
6 front of the residence and retrieved his K9 partner "Hozy." Once a perimeter was in place,  
7 Officer Haumann and Senior Officer Spencer Sergeant Smith and Officer Keathley began  
8 a search of the area and located an upstairs apartment. Officer Haumann made numerous  
9 announcements for Holliday to open the door. After no response, Officer Haumann  
10 checked the door and found it to be locked. Sergeant Smith used his foot to forcibly open  
11 the door. The interior of the apartment was checked by the aforesaid officers and no one  
12 was found to be inside.

13       9. Officers went to the front of the residence and knocked numerous times and  
14 made numerous verbal announcements. After no response, Officer Haumann checked the  
15 front door and found it to be locked. Sergeant Smith and Officer Haumann checked all  
16 ground level windows and doors. All were locked. Sergeant Smith opened the front door  
17 using force (his foot). A search of the interior was conducted in which numerous items of  
18 property were destroyed. At an upstairs bedroom located on the east side of the residence  
19 the door was found to be locked. Force was used to open the door and numerous items  
20 of property were destroyed. At the conclusion of the search, no one was found inside. The  
21 aforesaid officers left the scene, leaving the doors broken and the residence unsecured.  
22 Defendant Officers found no violation of law by Plaintiffs.

23       10. By means of the unlawful entry and trespass of the plaintiffs' residence by the  
24 defendant Police Officers, Plaintiffs were deprived of their rights and property without due  
25 process of law in violation of the Fourth and Fourteenth Amendments to the Constitution  
26 of the United States and 42 U.S. C. Section 1983.

27       11. In doing the acts and things above complained of the aforesaid defendants were  
28

1 conspirators engaging in a scheme and conspiracy designed to deny and deprive plaintiffs  
2 of rights guaranteed to them under the Constitution and their right to equal protection of the  
3 laws of the United States as herein above mentioned.

4 **COUNT 2**

5 12. Plaintiffs allege and reallege Paragraphs 1 through 12 of Count 1 with the same  
6 force and effect as if fully set forth herein.

7 13. Defendant City of Santa Paula was negligent in failing to afford Officer  
8 Haumann, Sergeant Smith, Senior Officer Spencer and Officer Keathley the proper and  
9 special training necessary for the duties they could foreseeably be expected to perform in  
10 the course of their employment in that the aforesaid officers received no training or  
11 inadequate training in the execution of arrest warrants and search and seizure.

12 14. As a direct and proximate result of the failure to train Officer Haumann, Sergeant  
13 Smith, Senior Officer Spencer and Officer Keathley, said trespass to plaintiffs' residence  
14 and the destruction of their personal property occurred and plaintiffs suffered severe  
15 physical and mental pain, medical expenses, future medical expenses, loss of property and  
16 damages to property all in a sum according to proof.

17 **COUNT 3**

18 Plaintiffs allege and reallege Paragraphs 1-14 of Counts 1 and 2 with the same force  
19 and effect as if fully set forth herein.

20 15. Not only was the search of plaintiffs' residence performed without probable  
21 cause but plaintiffs had behaved in a lawful and orderly manner and no offense of any kind  
22 was being committed or had been committed in the presence of the officers who performed  
23 the search.

24 16. Plaintiffs have been subjected by the above recited acts, to the deprivation by  
25 defendants under color of law and of the customs and usages of the State of California, of  
26 rights privileges and immunities secured to them by the Constitution and laws of the United  
27 States, particularly their rights of association and speech guaranteed under the First  
28

1 Amendment to the Constitution, their rights to security of person and freedom from unlawful  
2 search except on probable cause, supported by oath or affirmation guaranteed by the  
3 Fourth Amendment to the Constitution, their rights not to be deprived of property without  
4 due process of law, guaranteed by the Fifth and Fourteenth Amendments to the  
5 Constitution, their rights reserved or retained under the Ninth and Tenth Amendments to  
6 the Constitution.

7 17. As a direct consequence and result of the acts of defendants herein above  
8 complained of, plaintiffs were deprived of the use of their home for a substantial period of  
9 time, suffered much anxiety and distress over the forced entry and damage to their home  
10 and property, suffered much anxiety and distress and suffered much discomfort and  
11 embarrassment. Their reputation was impaired and they have spent much time and money  
12 having their property repaired or replaced.

#### 13 FOURTH CAUSE OF ACTION

14 18. Paragraphs 1 through 17 are incorporated herein by reference.

15 19. Prior to August 18, 2010, defendant City of Santa Paula permitted, encouraged,  
16 tolerated and ratified a pattern and practice of unjustified unreasonable and illegal searches  
17 and seizures of interracial couples residing together by police officers in that:

18 a. Defendants failed to discipline or prosecute or in any manner deal with known  
19 incidents of wrongful searches.

20 b. Defendants refused to investigate complaints of previous incidents of wrongful  
21 searches and instead officially claimed that such incidents were justified and proper.

22 c. by means of both evasion and cover ups of such wrongful searches, defendants  
23 encouraged police officers employed by it to believe that improper searches of interracial  
24 couples were permissible.

25 20. On information and belief, Plaintiffs allege that there have been other incidents  
26 of illegal searches of interracial couples which resulted in later federal civil rights suits or  
27 state actions based on such illegal searches.

28

1           21. Defendant has maintained an inadequate system of review of illegal searches  
2 which system has failed to identify instances of improper searches or to discipline more  
3 closely supervise or retrain officers who in fact improperly conducted searches.

4           22. On information and belief the systemic deficiencies include but are not limited  
5 to:

6           a. preparation of investigative reports designed to vindicate the use of searches  
7 regardless of whether such actions were justified.

8           b. preparation of investigative reports which uncritically rely solely on the word of  
9 police officers involved in the incidents and which systematically fail to credit testimony by  
10 non-police officer witnesses.

11           c. preparation of investigative reports which omit factual information and physical  
12 evidence which contradicts the accounts of the officers involved in such incidents prior to  
13 the completion of investigation.

14           d. failure to review investigative reports by responsible superior offices for accuracy  
15 or completeness and acceptance of conclusions which are unwarranted by the evidence  
16 or which contradict such evidence.

17           23. Defendant also maintains a system of grossly inadequate training pertaining to  
18 the law of permissible searches and such program fails to meet standard police training  
19 principles and criteria which require probable cause.

20           24. The foregoing acts, omissions and systemic deficiencies and policies and  
21 customs of defendant and such caused police officers of defendants to be unaware of the  
22 rules and laws governing permissible searches and to believe that such searches are  
23 entirely within the discretion of the officer and that improper searches would not be honestly  
24 and properly investigated all with the foreseeable result that officers are more likely to use  
25 illegal searches in such situations where such force is neither necessary nor reasonable  
26 nor legal.

27           25. As a direct and proximate result of the aforesaid acts, omissions systemic

1 deficiencies policies and customs of defendant, co defendants improperly trespassed into  
2 the plaintiffs' home and destroyed their property.

3 WHEREFORE Plaintiffs LEON HOLIDAY and HAILA SIMMONS requests that this  
4 Court:

5 a. Award compensatory damages against the defendants, and each of them, jointly  
6 and severally in an amount according to proof.

7 b. Award punitive damages against the individual defendants, RANDY HAUMANN,  
8 RYAN SMITH, PAUL SPENCER, DAVID KEATHLEY in an amount according to proof.

9 c. Award costs of this action including attorney's fees to the plaintiffs; and

10 d. Award such other and further relief as this Court may deem appropriate.

11 A jury trial is hereby demanded.

12 DATED: August 13, 2012

13 RESPECTFULLY SUBMITTED,  
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15 LAW OFFICES OF STEVE PELL

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Steve Pell, Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Victor B. Kenton.

The case number on all documents filed with the Court should read as follows:

**CV12- 6969 SJO (VBKx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

**=====**  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

Western Division  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

Southern Division  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

Eastern Division  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Central District of California

LEON HOLIDAY and HAILA SIMMONS )

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*Plaintiff(s)*

v.

RANDY HAUMANN, RYAN SMITH, PAUL SPENCER, DAVID KEATHLEY, CITY OF SANTA PAULA, and DOES 1-10 , Inclusive,

*Defendant(s)*Civil Action No. CV 12-6969-SJO  
(VBR/K)

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RANDY HAUMANN, RYAN SMITH, PAUL SPENCER, DAVID KEATHLEY, CITY OF SANTA PAULA, and DOES 1-10/ Inclusive,

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12.(a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Steve Pell, Esq. (SBN 072218)

LAW OFFICES OF STEVE PELL  
2633 Loma Vista Road  
Ventura, California 93003-1548  
(805) 653-8615  
stevepell@stevepell.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: AUG 13 2012

MARILYN DAVIS

Signature of Clerk or Deputy Clerk



08/13/2012 12:13 8056531055

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AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) \_\_\_\_\_  
 was received by me on (date) \_\_\_\_\_.

- I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_,  
 a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature**Printed name and title**Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself  )  
LEON HOLIDAY and HALA SIMMONS

**DEFENDANTS**  
RANDY HAULMANN, RYAN SMITH, PAUL SPENCER, DAVID KEATHLEY, CITY OF SANTA PAULA, and DOES 1-10 Inclusive,

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide name.)

Steve Pell, Esq.  
2633 Loma Vista Road  
Ventura, CA 93003-1548 (805) 653-6615

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant.)

Citizen of This State

PFT DEF

1  1 Incorporated or Principal Place of Business in this State

4  4

Citizen of Another State

2  2

Incorporated and Principal Place of Business in Another State

5  5

Citizen or Subject of a Foreign Country

3  3

Foreign Nation

6  6

**IV. ORIGIN** (Place an X in one box only.)

1 Original  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify):  6 Multi-District Litigation  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes  No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes  No

**MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 USC 1983 unlawful search and seizure

**VII. NATURE OF SUIT** (Place an X in one box only.)

1400 State Reapportionment

110 Insurance

120 Marine

130 Miller Act

140 Negotiable Instrument

150 Recovery of Overpayment & Enforcement of Judgment

151 Medicare Act

152 Recovery of Deduplicated Student Loan (Excl. Veterans)

153 Recovery of Overpayment of Veteran's Benefits

154 Stockholders' Suits

190 Other Contract

195 Contract Product Liability

196 Franchise

310 Airplane

315 Airplane Product Liability

320 Assault, Libel & Slender

330 Fed. Employers' Liability

340 Marine

345 Marine Product Liability

350 Motor Vehicle

355 Motor Vehicle Product Liability

360 Other Personal Injury

362 Personal Injury-Med Malpractice

365 Personal Injury-Product Liability

368 Asbestos Personal Injury Product Liability

370 Other Fraud

371 Truth in Lending

380 Other Personal Property Damage

385 Property Damage Product Liability

422 Appeal 28 USC 133

423 Withdrawal 28 USC 157

510 Motions to Vacate Sentence

520 Habeas Corpus

530 General

535 Death Penalty

540 Mandamus/Other

550 Civil Rights

555 Prison Condition

610 Agriculture

620 Other Food & Drug

625 Drug Related Seizure of Property 21 USC 881

630 Liquor Laws

640 R.R. & Truck

650 Airline Regs

660 Occupational Safety /Health

690 Other

710 Fair Labor Standards Act

720 Labor/Mgmt. Relations

730 Labor/Mgmt. Reporting &

740 Disclosure Act

750 Railway Labor Act

790 Other Labor Litigation

791 Empl. Ret. Inc. Security Act

820 Copyrights

830 Patent

840 Trademark

861 HIA (1395f)

862 Black Lung (923)

863 DIWC/DIWW (405(g))

864 SSDI Title XVI

865 RSI (405(n))

870 Taxes (U.S. Plaintiff or Defendant)

871 IRS-Third Party 26 USC 7609

OR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**FILE BY FAX**

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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
 If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: Ventura	California County outside of this District; State, if other than California; or Foreign Country
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- b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: Ventura	California County outside of this District; State, if other than California; or Foreign Country
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- c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: Ventura	California County outside of this District; State, if other than California; or Foreign Country
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Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date August 13, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1, is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 3 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))